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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Stacy S. Cook, et al

AUTOMATIC SURFACE
DEVIATION DETECTOR AND
METHOD OF USE

Serial No. 09/752,092

Filed 29 December 2000

Commissioner for Patents
P.O. Box 1450
Alexandria, VA. 22313-1450

Sir:

Group Art Unit: 2622

Examiner: Houshang Safaripour

I hereby certify that this correspondence is being deposited today with the United States Postal Service as first class mail in an envelope addressed to Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Lisa DeMunck
LISA DEMUNCK
May 3, 2005
Date

Request for Reconsideration

In response to the office action mailed February 7, 2005, Applicant respectfully requests that the Examiner reconsider the rejection in view of the following comments.

It is apparent that prosecution has progressed to the point that a clear issue of fact has been reached. The issue is whether or not Samson-Wai et al. (U.S. Patent No. 6,310,984) disclose generating information about shadows within a scanned area; and identifying an edge of a document by differentiating between a shadow resulting from the document's edge and a shadow corresponding to a surface deviation not associated with a document edge.

In arguing the affirmative, the Office Action notes that Samson-Wai et al. disclose that scanned data is parsed "for determining the presence of background and extraneous information and also parses the scanned data input for determining edges and a skew angle of the image. Samson-Wai et al. uses the information for cropping and deskewing the images to ultimately provide an aligned digital representation of the scanned image (col. 4, lines 23-44)."

However, the statement in the Office Action of what is disclosed by Samson-Wai et al. does not reflect an understanding of what is claimed. The

Office Action does not set forth that Samson-Wai et al. disclose generating information about shadows within a scanned area; and identifying an edge of a document by differentiating between a shadow resulting from the document's edge and a shadow corresponding to a surface deviation not associated with a document edge. In fact, such disclosure is not in Samson-Wai et al. Further, Applicant's attorney is unable to find the word "shadow" anywhere in the Samson-Wai et al. patent. This failure of Samson-Wai et al. is ignored in the Office Action.

Elements in the claim must not be ignored. "Each element of a claim is material." *Ashland Oil, Inc. v. Delta Resins & Refractories, Inc.*, 227 USPQ 657,666 (Fed. Cir., 1985)

The rejection of Claims 4, 7, 10, 15, 17, 21-23, and 25 is based, in part, on Samson-Wai et al. including a teaching of generating information about shadows within a scanned area; and identifying an edge of a document by differentiating between a shadow resulting from the document's edge and a shadow corresponding to a surface deviation not associated with a document edge. As set forth above, the disclosure of Samson-Wai et al. does not include these features.

For the reasons set forth herein, Applicant respectfully requests reconsideration and favorable action.

Respectfully submitted,



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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.